

UNITED STATES DISTRICT COURT

for the

Northern District of New York

____ civil ____ Division

Salvatore Tantillo

Case No. 3:23-cv-1447 (TJM/ML)

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

New York Stste Trooper Brandon D. Smith,
Complete Claims Services L.L.C.,
Frank and Son Autobody, PURE Insurance,
Susan Lynch, Arbttrations Forums Inc.

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☒ Yes ☐ No

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Salvatore Tantillo
Street Address	103 auslander road
City and County	Roscoe
State and Zip Code	New York, 12776
Telephone Number	(347) 893-6912
E-mail Address	saleo2017@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an

Defendant No. 1

Name	Arbitration Forums, incorporated
Job or Title <i>(if known)</i>	Examiners, Arbitrators
Street Address	3820 Northdale Boulevard, Suite 115
City and County	Tampa, Hillsborough
State and Zip Code	Florida 33624
Telephone Number	(866)977-3434
E-mail Address <i>(if known)</i>	ststus@arbfile.org

Defendant No. 2

Name	PURE Insurance
Job or Title <i>(if known)</i>	Justyna Pasielek, Claims Representative
Street Address	Post Office Box 480
City and County	Elmsford, Westchester
State and Zip Code	New York 10523
Telephone Number	(888) 813-7873
E-mail Address <i>(if known)</i>	service@pureinsurance.com

Defendant No. 3

Name	Susan Lynch
Job or Title <i>(if known)</i>	Driver
Street Address	8 Bayberry Lane
City and County	Greenwich, Fairfield
State and Zip Code	Connecticut 06831
Telephone Number	(203) 629-3634
E-mail Address <i>(if known)</i>	

Defendant No. 4

Name	Frank and Son Autobody Limited Company
Job or Title <i>(if known)</i>	Job Number: 2859908
Street Address	1539 stillwwll Avenue
City and County	Ney York, Bronx
State and Zip Code	New York 10461
Telephone Number	(718) 822-6726

Defendant No. 5

Name

Complete Claims Services

Job or Title (if known)

Adjuster, Matthew Nozder

Street Address

100 Broadway Suite !

City and County

Massapepqua, Nassua

State and Zip Code

New york 11758

Telephone Number

(516) 935-8780

E-mail Address (if known)

Defendant No. 6

Name

New York State Trooper Brandon D. Smith, Badge 4230

Job or Title (if known)

Police Accident Report, SP1F87GS6BNX,

Street Address

5754 state route 52

City and County

Liberty, Sullivan

State and Zip Code

New York 12754

Telephone Number

(845) 292-6600

E-mail Address (if known)

Defendant No.

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (if known)

Defendant No.

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

9 U.S.C. Section 10 (a) 1, 3

U.S.C. Section 572 / 8 U.S.C.

Section 1033-part 1 chapter 47 (1) a (3) a

15 U.S.C. Section 6604 chapter 92

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* Salvatore Tantillo, is a citizen of the
State of *(name)* New York.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated
under the laws of the State of *(name)* _____
and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* See attached, is a citizen of _____.

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- b. If the defendant is a corporation *See attached*
The defendant, (name) _____, is incorporated under
the laws of the State of (name) _____, and has its
principal place of business in the State of (name) _____
Or is incorporated under the laws of (foreign nation) _____
and has its principal place of business in (name) _____

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:
To be determined

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.
See attached

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

To be determined

B 2 The defendants

a, Individuals

- (1) The third defendant Susan Lynch, is an individual and is a citizen of the state of Connecticut
- (2) the sixth defendant New York State Trooper Brandon D. Smith, is an individual and is a citizen of the state of New York.

b, Corporations

- (1) the first defendant Arbitration Forums incorporated, is a Corporation under the laws of the state of Florida and has its principal place of business in the state of Florida.
- (2) the second defendant PURE insurance, is incorporated under the law of the state of New York and has its principal place of business in the state of New York.
- (3) the fifth defendant Complete claims Services, is a corporation under the state of New York and has its principal place of business in the state of New York.

c.

c, Limited company

- (1) the fourth defendant Frank and Son Autobody, is a limited company under the laws of the state of New York and has its principal Place of business in the state of New York.

Statement of Claim

- (1) On May 27, 2023, Susan Lynch Driver of Vehicle #2 was in a gas station at 1962 Old Rt.17, Roscoe, New York, Lynch began beeping her horn. The driver of vehicle #1 plaintiff, Tantillo was backing out of designated parking spot using my rear view mirror. I did not see any people or cars. I stopped reverse motion when I heard a horn. My vehicle struck no other vehicle. When I looked out the passenger side mirror, Vehicle #2 Lynch was behind me. I placed my truck in park and exited to investigate. Vehicle#2 Lynch was in a 2014, Jaguar. Still beeping and appeared to be screaming. I could not hear her statements at that point, her window was closed. Finally, she composed herself. I was calm, kind, and concerned for Lynch's wellbeing, expressing empathy and respect for her.
- (2) Lynch got out of her car. I noticed her grabbing something from the driver's side of the dashboard between the door and the steering wheel. It turned out to be a key fob. She accused me of hitting her car. She was rambling on about her grandchildren when driving reverse. We inspected the vehicles together and there was no visible point of impact or damage anywhere on Vehicle #2 or Vehicle #1. Lynch requested a Police Report be filed. Calming not to have a cell phone, I called 911. After the call was placed, Driver Vehicle #2 Lynch moved her Vehicle out of its original position. NYS Trooper, Branden D. Smith, badge # 4230 arrived on scene.
- (3) On May 27,2023, Trooper Brandon D. Smith responded, took statement's and we exchanged information and the Trooper explained how to obtain a police

report.

(4) On May 30, 2023, plaintiff, insurance State Farm Insurance Claim # 52-50L3-37 mailed a first class letter to Defendant Susan Lynch indicating their investigation determination found the insured, Salvatore Tantillo, not liable for damages reported on May 27, 2023.

{5} June 05, 2023, Frank and Son Auto Body, 1530 Stillwell Avenue, Bronx New York, produced a faxed letter from Defendant Lynch dated June 01, 2023, granting Power of Attorney and authorization from Defendant, Lynch to make repairs to the 2014 Jaguar. See: Photograph #13 taken at 1530 Stillwell Avenue, Bronx New York. ESubro Hub Demand Package page 21 of 38.

(6) On June 05, 2023, Peter Wu insurance investigator for Complete Claims Services LLC. visited Frank and Son Autobody. Wu inspected Lynch's 2014 Jaguar. Wu claims to have taken the photos and produced the written Estimate of Record dated June 05, 2023, for Adjuster Matthew Nozedar of Complete Claims Services LLC. See: Page 1 of Estimate of Record, Esubro Hub Demand Package page 8 of 38. The Estimate of Record and Frank and Son Autobody Job# 2859908. That has factual mistakes and errors and conflict with Motor Crash Estimating Guide and potential other third-party sources of data, abbreviations listed in Guides ER84760, CCC Data dated May 16, 2023, to be used in deciding Labor costs Totaling \$14,797.16. The Estimate of Record, Job #2859908 See: page 5 ESboro Hub Demand Package Not in format consistent with Motor Crash Guidelines, or consistent with police reports point of impact

ESubro Hub Demand Package See: page 15 of 38 Police Report.

(7) On May 30, 2023, Insurance Company for the plaintiff State Farm Insurance Claim# 52-503L-37R mailed a letter Addressed to Defendant, Susan Lynch.

Their investigation found that the insured Salvatore Tantillo was not legally liable for damages, reported. ESubro Hub Demand Package See: page 7 of 38

(8) On June 06, 2023, Justyna Pasielak, Claims Representative for Prue Insurance located at Elmsford, New York location, Insurance policy #PA212498304, Financial Transactions from June 06, 2023. See: page 17 of 38 ESburo Hub Demand Package

(9) On September 09, 2023, Esburo Hub Demand Package See: page 4 of 38. Defendant filed for Arbitration hearing with Arbitration Forums Incorporated. 3820 North Dale Boulevard, Suite 115 Tampa Florida, The Arbitration Decision was published, case ID, A23021498E6-C1.

(10) On September, 24, 2023-23:00 EDT, A decision was published in favor of Defendant Lynch. I was not a party to the Arbitration. The Arbitration award nonetheless adversely affected and aggrieved the plaintiff and violated 5 U.S.C. section 572. That gives plaintiff Jurisdiction in this Court.

(11) On September 24, 2023, The Arbitration Forum LLC decision included misconduct, procedural irregularities, failure to consider evidence pertinent and material to the controversy. In doing so, the arbitration imperfectly executed its review. The decision has prejudiced Plaintiff Tantillo. 9 U.S.C. Section 10 (a) 1,3.

That gives plaintiff jurisdiction in this Court.

(12) On June 5, 2023, Insured, Susan Lynch, Frank and Son Autobody, Pure Insurance Claims Representative, Justyna Pasielak, Arbitration Forum LLC knowingly with the intent to deceive, make false statements, reports, or willfully and materially with the intent to deceive any agent, examiner or appointed by such official or agency to examine the affairs of such person, about the financial condition of such business. 18 U.S.C. Section 1033-part 1 chapter 47 (1) a (3) a.

That gives the plaintiff Jurisdiction in this Court.

(13) On June 20, 2023, Pure Insurance conspired with defendants shall be held individually financially liable. 15 U.S.C. Section 6604 chapter 92. That gives the Plaintiff Jurisdiction in this Court.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: November 15 2023

Signature of Plaintiff

Sal-Tan

Printed Name of Plaintiff

Salvatore Tantillo

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address